

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-17 (cancelled)

Claim 18 (new): An isolated nucleic acid sequence comprising a promoter sequence specifically expressed or active in the xylem forming tissue of a plant, wherein said promoter sequence is selected from the group consisting of: SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, a sequence having at least 90% identity to SEQ ID NO:1, a sequence having at least 90% identity to SEQ ID NO:2, a sequence having at least 90% identity to SEQ ID NO:3, a sequence having at least 90% identity to SEQ ID NO:4, and a sequence having at least 90% identity to SEQ ID NO:5.

Claim 19 (new): A genetic construct comprising the promoter sequence of claim 18.

Claim 20 (new): The genetic construct of claim 19, wherein the construct comprises a vector.

Claim 21 (new): The genetic construct of claim 20 wherein the vector is selected from the group consisting of a plasmid, a cosmid, a virus and a bacteriophage.

Claim 22 (new): A transgenic plant comprising the genetic construct of claim 20.

Claim 23 (new): The transgenic plant of claim 22 wherein said plant is a woody plant or a fibrous plant.

Claim 24 (new): The transgenic plant of claim 22 wherein the transgenic plant is selected from the group consisting of poplar, aspen, birch, willow, eucalyptus, sweetgum (liquidamber), spruce, larch, hemlock, pine, cotton, hemp, sisal, flax, wheat, maize, potatoes, and oil seed rape.

Claim 25 (new): The transgenic plant of claim 22 wherein said transgenic plant exhibits modified wood formation properties compared to the wood formation properties of a plant lacking said genetic construct.

Claim 26 (new): The transgenic plant of claim 22 wherein said transgenic plant exhibits modified apoptosis properties compared to the apoptosis properties of a plant lacking said genetic construct.

Claim 27 (new): A method for expressing a nucleotide sequence in the xylem of a plant, comprising coupling the promoter sequence of claim 18 to a nucleotide sequence to form a genetic construct, transforming said plant with said genetic construct and expressing said nucleotide sequence in the xylem of said plant.

Claim 28 (new): Propagating material of the transgenic plant of claim 22.

Claim 29 (new): The propagating material of claim 28 wherein said propagating material is selected from the group consisting of seeds, fruits, cuttings and parts of said plants.

Claim 30 (new): The propagating material according to claim 28 wherein said parts of said plants are selected from the group consisting of protoplasts, plant cells, calli and roots.